

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-CV-523-GCM**

D'ORI ME'IRA EL-BAY,
Plaintiff,

vs.

**WALMART SUPERCENTER
STORE 5063, et al,**
Defendant.

ORDER

THIS MATTER is before the Court upon the Plaintiff's Motion to Proceed *in forma pauperis* filed October 20, 2011 [doc. 2].

Federal law requires that a Plaintiff in a civil action pay a filing fee in the amount of \$350.00, plus service fees and other costs. After reviewing the Plaintiff's Application, the Court concludes that the Plaintiff is unable to pay the filing fee.

Moreover, the court has reviewed the *pro se* Plaintiff's Complaint. It is clear to the court that this matter has no basis for federal jurisdiction. Therefore the Court will dismiss the Complaint.

IT IS THEREFORE ORDERED THAT:

- 1) Plaintiff's application to proceed in forma pauperis is hereby GRANTED solely for the purpose of conducting a review on the merits of the civil action;
- 2) The Clerk shall file this matter as a civil matter without the service of process; and
- 3) The Complaint is DISMISSED pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Signed: December 1, 2011



Graham C. Mullen
United States District Judge

